

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Utah Administrative
Code R746-360 Universal Public
Telecommunications Service Support Fund

DOCKET NO. 17-R360-01
ORDER ON REQUEST TO FILE
REPLY COMMENTS

ISSUED: July 12, 2017

On May 15, 2017, the Public Service Commission of Utah (PSC) filed with the Utah Division of Administrative Rules a rule amendment that would implement a per-connection surcharge as the funding mechanism for the Utah Universal Service Fund. The rule amendment was published in the Utah State Bulletin on June 1, 2017, and the statutory comment period expired on July 3, 2017. Utah Code § 63G-3-301(11). Several interested persons submitted comments, which prompted the PSC to delay any implementation of a per-connection surcharge.

The statutory rulemaking process does not contemplate reply comments, so interested persons did not have an opportunity to respond to the comments that motivated the PSC to delay the rule. However, where the rule has not been made effective, there is time for additional input. Given these circumstances, on July 12, 2017, CenturyLink filed with the PSC a request for an opportunity to submit reply comments.

The PSC considers that reply comments are likely to be helpful and therefore grants CenturyLink's request. Reply comments may be submitted by **Wednesday, August 2, 2017**. The PSC is most interested in comments (a) that address the legal issues raised in the comments submitted by AT&T and by CTIA – The Wireless Association; and (b) that analyze federal case law, including orders issued by the Federal Communications Commission, regarding whether states are permitted to assess providers that facilitate telecommunications through voice over

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internet protocol technology, which to date is legally considered to be an "information service" rather than a "telecommunications service."

DATED at Salt Lake City, Utah, July 12, 2017.

/s/ Jennie T. Jonsson
Administrative Law Judge

Approved and confirmed July 12, 2017 by the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#295247

CERTIFICATE OF SERVICE

I CERTIFY that on July 12, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

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